

11 APRIL 1947

I N D E X
Of
WITNESSES

Defense' Witnesses

Page

MINAMI, Jiro (recalled)

19773

Direct by Mr. Brooks

19773

NOON RECESS

19799

MINAMI, Jiro (resumed)

19800

Direct by Mr. Brooks (cont'd)

19800

Cross by Mr. Comyns Carr

19806

AFTERNOON RECESS

19823

Cross by Mr. Comyns Carr (cont'd)

19825

11 APRIL 1947

I N D E X

of

EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pres.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
989	2435		Affidavit of MINAMI, Jiro		19774
28	278		Letter from Pu-Yi to MINAMI, Jiro (previously Identification only)		19801

Friday, 11 April 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except the accused TOGO who the prison surgeon of
5 Sugamo certifies is unable to attend the trial today
6 through illness. The certificate will be recorded and
7 filed.

8 Colonel Warren.

9 MR. WARREN: If the Tribunal please, the
10 ruling of the Tribunal yesterday with reference to the
11 testimony of the accused raises two very serious ques-
12 tions in the minds of defense counsel.

13 1. The question raised by Mr. Brooks as to
14 whether or not an accused called to testify as a wit-
15 ness for another one of the accused and not on his
16 own behalf would be subject to the ruling and be re-
17 quired to give his entire testimony at that time.

18 2. If an accused takes the witness stand
19 in his individual case, will he, under the rule, be
20 precluded from offering rebuttal testimony at a later
21 time in his own defense? It may not be that the Tri-
22 bunal intended the rule to cover such a contingency but
23 as the rule now stands, and as we interpret it, such
24 would be the case.

25 I shall argue these two points and put them

as succinctly as possible. With reference to the
1 first proposition, if an accused is placed on the wit-
2 ness stand at this time, he could not be recalled at
3 a later time to testify in behalf of another accused.
4 Consequently, it would become necessary to elicit
5 from such witness all the testimony which each of the
6 other accused deem to be pertinent to their individual
7 case and within the purview of the knowledge of the
8 accused then occupying the witness stand. It goes
9 without saying that in many instances prior testimony
10 concerning the points sought to be proven would not
11 be in evidence and could not at such time be relevant,
12 and would, therefore, be incompetent. It would be nec-
13 essary to base the questioning of the witness upon facts
14 not yet in evidence, the relevancy of which the Tribunal
15 would have had no opportunity to consider. It is at
16 once apparent that if an accused were called to testi-
17 fy on one of the phases of the case, or on behalf of
18 an individual accused, that much evidence, not then
19 before the Tribunal, and with which the witness had
20 not been confronted, would be introduced at a later
21 time by another accused, much of which might be detri-
22 mental if not explained. In many instances defense
23 counsel feel that only the accused themselves could
24 explain or testify in rebuttal.
25

1 Accused would be reluctant, and I am certain
2 counsel would not only be reluctant but would be ex-
3 tremely careful in permitting the use of any accused
4 under such circumstances, and we feel, if an accused
5 may not be called to testify on behalf of another
6 accused unless he be required to give his entire tes-
7 timony at that time, irreparable damage may be done to
8 an accused who feels that his testimony is necessary.
9 Any accused and his counsel would be perfectly justi-
10 fied in refusing to permit his testimony under such
11 circumstances.

12 With reference to the second point, we are
13 confronted with the situation whereby all of the ac-
14 cused except the last will be required to testify with
15 no opportunity of rebutting the evidence of the testi-
16 mony of the accused who succeeds him to the stand.
17 This trial is, of course, not a joint trial where all
18 accused are charged with the same offenses, but is a
19 common trial where they are not all charged jointly
20 with each count in the Indictment. There is a diver-
21 sity of interest, and, in all likelihood, testimony
22 by one accused may be inimical to the defense of others.
23 Under the present rule no opportunity is afforded to
24 permit any accused to personally rebut the testimony
25 introduced against him, both by the testimony of the

1 succeeding accused or by documentary evidence or evi-
2 dence of other witnesses. For example, the defense
3 counsel have tentatively agreed among themselves that
4 the accused would present their individual cases in
5 alphabetical order. One of the accused that I repre-
6 sent would be number two on the list and the other
7 would be number five. It goes without saying that I
8 should be most reluctant to proceed under the circum-
9 stances and I feel certain that other counsel would
10 feel likewise, with the result that each counsel would
11 attempt to reserve the testimony of the accused whom
12 he represents for so long as is possible under the
13 present ruling.

14 We therefore request the Tribunal to seriously
15 consider these two matters which we did not call to its
16 attention yesterday before the ruling was made.

17 We sincerely feel that if the rule is to be
18 invoked against an accused testifying on behalf of
19 another accused, or that an accused may not be given
20 the privilege of personal rebuttal testimony that it
21 will not only cause confusion among the defense coun-
22 sel, with consequent delaying of the orderly procedure
23 of this trial, but would also deprive the accused of a
24 fair trial.

25 Thank you.

1 MR. BLEWETT: If the Court please, we shall
2 no doubt call General TOJO only in the individual phase
3 of the defense. However, we feel that he is ready at
4 any time to answer any question on cross-examination,
5 that is, unless the prosecution has already exhausted
6 its inquiry in the numerous interrogations already taken.

7 We feel, sirs, that if subpoenaed by counsel
8 for one of the other accused, he might feel that as a
9 friendly gesture he would like to come in and testify on
10 his behalf. We do not feel that it would go to the
11 orderly process of the trial if he were compelled to
12 put on his entire defense at that time.

13 I should like to call the attention of the
14 Tribunal to the fact that General TOJO has already been
15 called twenty-one times by the prosecution.

16 THE PRESIDENT: We cannot let you say that
17 without contradiction.

18 MR. BLEWETT: And this testimony, sir, covers a
19 period from exhibit 1110 to exhibit 1984, covering
20 various phases.

21 THE PRESIDENT: Statements alleged to have
22 been made by the accused TOJO have been given in evidence
23 by the prosecution. That is all. Such a thing happens
24 in most criminal trials.

25 MR. BLEWETT: It seems to us, sir, that a

1 modification of the rule, if the rule is to prevail,
2 might be, with your Honors' indulgence, that when an
3 accused is called by other than his own counsel, the
4 cross-examination should be limited to that direct
5 examination; and that when the accused is called by his
6 own counsel for his full defense, that the cross-
7 examination be unlimited, to cover the full scope.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If it please the Tribunal,
10 we submit that there is a simple and practical answer
11 to both of the questions presented by counsel.

12 The first question related to the right of
13 counsel for one accused to call another accused as a
14 witness. Matters relating to the order of proof are
15 certainly within the sound discretion of the Tribunal.

16 THE PRESIDENT: The defense do not question
17 that. The only question is what is necessary for a
18 fair trial.

19 MR. TAVENNER: It has been indicated that the
20 accused will be called in their own behalf at one stage
21 of this case. When the accused is so called, certainly
22 the Tribunal will use its discretion in determining
23 the extent to which another accused may question him.
24 That will certainly enable counsel for each accused to
25 exhaust whatever right they may have to cross-examine

1 or to examine in chief any one accused. This pro-
2 cedure would give every accused a fair opportunity to
3 exhaust whatever right he desired to assert, and would
4 avoid all the complicated questions that counsel are
5 now raising. We think that is a plain and practical
6 suggestion for the handling of the matter.

7 I just heard the statement that that is on
8 the assumption that all the accused take the stand.
9 I take it that an accused cannot be compelled to take
10 the stand even as a witness for one of the accused
11 without his consent, except in the situation mentioned
12 in the Charter. I think these are all practical
13 matters which will solve themselves if they are
14 handled in the normal and usual way, but that many
15 complications may be expected to arise if the Tribunal
16 changes its order in any particular that it issued
17 yesterday.

18 It will only be human and natural that an
19 accused, having taken the stand once, would like to
20 come back again and mend his holes here or there or add
21 to what has already been said. For the sake of orderly
22 procedure and in absolute justice and fairness to each
23 of the accused, it would seem that the only practical
24 and plausible way to handle this situation is just as
25 the Tribunal ruled yesterday.

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1 As to the second point of rebuttal, that
2 question would not arise in any serious manner if
3 the procedure is followed that was just suggested.
4 An accused having once taken the stand and his testi-
5 mony having been exhausted, both by his own counsel
6 and by that of other counsel under the discretion of
7 the Court, certainly the rules relating to rebuttal
8 testimony would be the same as to any other witness or
9 any other phase of the case.

10 We submit that no complicated situation
11 will arise if that procedure is followed but the
12 Tribunal will recognize at once the complicated ques-
13 tions that will arise if an accused is presented now
14 prematurely as a witness for another accused because
15 he can only take the stand voluntarily and when he
16 does appear as a voluntary witness he subjects himself
17 to cross-examination, your Honor, on any phase of his
18 participation in the offense charged. That is our
19 submission, your Honor.

20 MR. WARREN: May I be permitted rebuttal?

21 If the Tribunal please, I recall the argument
22 advanced by prosecution with reference to the witness
23 TANAKA whom we would have loved to have had at one time
24 to cross-examine. It is strange that they should now
25 reverse their position except that it appears they

1 decide that they want just one more advantage. Of
2 course, I must assume that this Tribunal knows some
3 evidence, that this Tribunal knows some procedure,
4 and for the prosecution to say that to proceed in
5 this manner is the ordinary manner, to me, is the
6 height of absurdity. We recognize--

7 THE PRESIDENT: It is not the ordinary
8 manner but perhaps there could be a departure.

9 MR. WARREN: Yes, sir. We recognize, your
10 Honor, there must be some departure in a case of
11 this kind but also we submit that there is no rule
12 that has been known to us presently that would not
13 permit us to subpoena, if your Honor please, one of the
14 accused and call him as a witness to the witness stand
15 nor is there anything in the Charter to the contrary
16 if we would subpoena him and he were an unwilling
17 witness, then he could stand upon his rights of self-
18 incrimination when he took the stand. We submit, your
19 Honor, the question is not a simple question other-
20 wise we should not have raised it here this morning.
21 It is a question that to us is serious and the prose-
22 cution does not know our problems. I am sure that the
23 Tribunal knows far more about our problems than they
24 do. If we proceeded under the present rule I assure
25 your Honor that I would hesitate for a great length of

1 time and consider it seriously before I would ever
2 put one of the accused on the stand, despite the
3 fact that the prosecution could then comment on it.
4 We submit, your Honor, that our reasons are so plain
5 and that they need no further argument. I thank you,
6 sir.

7 THE PRESIDENT: The question is a very
8 serious one but after argument on two motions at
9 Nuernberg they came to the following conclusion.
10 Apparently the decision at Nuernberg worked out well
11 in practice. I have heard no criticism of it, at
12 all events. The decision was given on the 11th of
13 February, 1946. These are the relevant parts:

14 A defendant can testify once only. A
15 defendant who wishes to testify on his own behalf
16 shall do so during the presentation of his own defense.
17 The right of defense counsel and of the prosecution
18 to interrogate and cross-examine a defendant who
19 gives testimony shall be exercised at that time. A
20 defendant who does not wish to testify on his own
21 behalf but who is willing to testify on behalf of a
22 co-defendant may do so during the presentation of the
23 case of the co-defendant. Counsel for other co-defend-
24 ants and for the prosecution shall examine and cross-
25 examine him when he has concluded his testimony on

1 behalf of the co-defendant. This does not limit the
2 power of the Tribunal to allow a defendant to be re-
3 called for further testimony in exceptional cases if
4 in the opinion of the Tribunal the interest of justice
5 so requires.

6 MR. CUNNINGHAM: May I say just a word?

7 THE PRESIDENT: It is a pity you did not
8 speak before Mr. Tavenner, Mr. Cunningham, but as a
9 matter of grace we will permit you to speak.

10 MR. CUNNINGHAM: The matter had not arisen
11 before that I wish to speak on now.

12 THE PRESIDENT: Yes.

13 MR. CUNNINGHAM: I called attention the
14 other day to the difference in this case and that
15 of Nuernberg. In Nuernberg they did not present the
16 defense in phases and this question did not arise
17 especially there.

18 THE PRESIDENT: But there are such things as
19 distinctions without differences; this is one perhaps.
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1 MR. CUNNINGHAM: It seems to me, your
2 Honor, that in this instance there could be some
3 compromise on the matter which would alleviate the
4 difficulty which has arisen concerning the pre-
5 sentation of the testimony of the accused in relation
6 to the particular questions arising in the phases and
7 in the testimony which the accused would give in
8 behalf of the individual defendants. Now, the
9 compromise which I had proposed and which goes to
10 orderly procedure would be to permit the testimony
11 of the accused to be introduced either in affidavit
12 or personal testimony in its regular order, and
13 then, perhaps, the prosecution call the accused or
14 have the accused for cross-examination on all of
15 his testimony at the one time he is called, but
16 permit the defense to introduce their testimony in
17 one form or other in its orderly time and where it
18 fits chronologically into the picture of the phase of
19 the case. Surely, your Honor, there must be some
20 compromise that we can arrive at to accomplish both
21 objectives: one to present the matters in an orderly
22 procedure, and the other, to accomplish the object
23 which the Court and the prosecution are seeking to
24 accomplish.

25 THE PRESIDENT: Captain Brooks.

1 MR. BROOKS: If your Honor please, I do not
2 wish to add very much except that I understand that
3 the rule at Nuernberg was waived in the case of
4 Goering. They were allowed the right to rebut on
5 new testimony.

6 THE PRESIDENT: I remind you of the last
7 provision in the Nuernberg decision. The decision
8 did not limit the power of the Tribunal to allow
9 a defendant to be recalled for further testimony in
10 exceptional cases. After much consideration Goering
11 was recalled under that provision on a single point,
12 and his evidence took only a few minutes. I do not
13 say that one defendant cannot be recalled to rebut
14 another, but it is most exceptional and has not
15 occurred in my experience, but I have no doubt it
16 could be done in the interest of justice. But care
17 will have to be exercised in giving such a right
18 because you would never know where the case would
19 end, otherwise.

20 MR. BROOKS: Of course, your Honor, in our
21 phase we would like to have the same advantage that
22 the prosecution had of using such evidence as is
23 material in that part of the phase to all defendants
24 at that time when it is most advantageous without
25 having it cluttered up with part of the individual

1 defense of that defendant at that time and allow-
2 ing that to be put in later. There would be no loss
3 of time because the material would have to go in,
4 if not at that time, on some individual phase.
5 There would be no disruption in procedure, as we
6 have seen in instances where the prosecution has put
7 a witness on and recalled him at a later time, putting
8 him on at the proper time when convenient to the
9 Court and adding weight at the time with the sur-
10 rounding testimony about it. I would like to have,
11 if the Court pleases, some definite decision or
12 understanding of the Tribunal because it affects us
13 in the witnesses we are to put on immediately
14 following.

15 THE PRESIDENT: Mr. Logan.

16 MR. LOGAN: If the Tribunal please, in
17 considering these questions that are raised this
18 morning, the defense is also anxious to have the
19 Tribunal decide on this right of the prosecution --
20 the extent of the prosecution's cross-examination of
21 the accused, and we would like to have a decision on
22 that at this time, if possible.

23 THE PRESIDENT: Well, the question is:
24 What is necessary in the interest of a fair trial?
25 We have decided by a majority to adopt the Nuernberg

1 rules, which I have read. In Nuernberg the accused
2 were called in alphabetical order, but we do not
3 require that.

4 Are you in a position now to proceed,
5 Captain Brooks? You are the counsel immediately
6 concerned.

7 MR. BROOKS: I think the defense counsel
8 would like some guidance on the matter of cross-
9 examination.

10 THE PRESIDENT: It follows that cross-
11 examination will be unrestricted.

12 MR. BROOKS: I understand, then, your
13 Honor, it would be unrestricted if the man is
14 speaking in his own behalf, putting on testimony,
15 but as a witness for another it would be restricted
16 to whatever he was testifying to.

17 THE PRESIDENT: That is to say, if you
18 contemplate calling any of the accused, not for
19 himself but for some other accused, in that case the
20 federal rule will apply.

21 MR. BROOKS: Yes.

22 THE PRESIDENT: How it would apply, I do
23 not know because even in that case he may be testify-
24 ing on his own behalf; I do not see how he could not
25 be to some extent. Of course, he may testify on a

1 count in which he is not included. That would be
2 possible. But it seems extremely unlikely.

3 MR. BROOKS: Some of the defendants will
4 on their individual cases want to call other accused
5 as witnesses. However, in the case at the present
6 time, in the phase that we are in now, I am not
7 calling MINAMI as an individual, for his individual
8 case, but in the general defense of this case; so
9 he is really a witness for all of us on whatever
10 he testifies to, and I will call him back to the
11 stand at this time when we are ready to proceed.
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1 I do understand that the defendant will not
2 be able to take the stand again unless there is new
3 evidence brought in against him by other witnesses
4 on cross-examination or some exceptional case where I
5 can appeal to the Court and show that in the interest
6 of a fair and just trial I would like to have him
7 there to explain certain matters. I do understand
8 that although I call him at this time, in his individual
9 phase, although he may not take the stand I may put on
10 other witnesses and other documents in his defense at
11 that time.

12 THE PRESIDENT: If MINAMI takes the stand now
13 he cannot be recalled later in any other phase or in
14 his own case -- his own individual case -- unless the
15 Tribunal permits in exceptional circumstances, and
16 the permission will not be easy to get if we are as
17 careful as the Nuernberg court was in recalling
18 Goering.

19 MR. BROOKS: Do I understand, Mr. President --
20 it might be wise for me to bring this point up for the
21 benefit of other defense counsel who may want to
22 call MINAMI -- do I understand that when I finish with
23 my affidavit other defense counsel who desire to call
24 MINAMI as a witness in their behalf at some point
25 should now come in on direct?

1 THE PRESIDENT: So far we have placed no
2 limitation on the right of counsel for other accused
3 to examine or cross-examine MINAMI if he goes into the
4 box now.

5 MR. BROOKS: May the defendant MINAMI be
6 called?

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: If your Honor please, I want
9 to make certain that one point is clear. When defense
10 counsel first announced that they would recall
11 MINAMI a few moments ago, a limitation seemed to me
12 to be placed on the calling of him by counsel, and
13 I just wanted to make certain that we understood
14 whether that is a limitation or not. If I understood
15 Mr. Brooks, he said that in presenting him now he
16 would expect to present him again in the event other
17 evidence was introduced later.
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THE PRESIDENT: May I repeat. If MINAMI
1 gives evidence now, he cannot be recalled later
2 except by the permission of the Tribunal in exceptional
3 circumstances; and if he gives evidence now, he must
4 say whether he is giving it on his own behalf or
5 whether he is giving it on behalf of other accused
6 and what accused and in respect of what counts.
7 If he gives evidence on his own behalf, cross-
8 examination will be unrestricted. If he gives it
9 on behalf of another accused, it may be restricted,
10 but we will not know to what extent it will be
11 restricted unless we know on whose behalf he is
12 giving the evidence and in respect of what counts.
13

14 Suppose he went into the box and said,
15 "I am giving evidence on behalf of other accused
16 in respect of the Manchurian phase." While purporting
17 to give the evidence on behalf of others and not of
18 himself, he would actually perhaps be giving it on
19 behalf of himself. We would have to watch that.
20 No matter what he may say as to his purpose, if he
21 gives evidence on his own behalf he will be subjected
22 to unrestricted cross-examination. Cross-examination
23 calls for very delicate adjustment.

24 MR. TAVENNER: Mr. Brooks informs me that
25 the language he used as to which I arose was not

1 intended as a limiting matter or as a condition in
2 presenting the witness, so the point I arose to is
3 clear.

4 MR. BROOKS: I was going to make it clear,
5 your Honor, that MINAMI is being called in his own
6 behalf at this time. However, I am not intending
7 to put on his complete individual phase of other
8 evidence as such, but he is testifying in his own
9 behalf.

10 THE PRESIDENT: Yesterday we told you that
11 you could call MINAMI at any stage.

12 MR. BROOKS: That is right.

13 THE PRESIDENT: Nothing that I said this
14 morning -- nothing in the Nuernberg rule revokes that
15 decision.

16 MR. BROOKS: That is right.

17 THE PRESIDENT: If there is anything in the
18 Nuernberg decision inconsistent with that, I should
19 like to have the point argued. There were no phases
20 at Nuernberg, but at Nuernberg defendants were called
21 in alphabetical order. If we followed that, ARAKI
22 would be called before MINAMI. The Nuernberg decision
23 could not be inconsistent with our decision yesterday
24 to allow MINAMI to be called because the Nuernberg
25 decision did not deal with phases.

1 MR. BROOKS: Defense counsel, I think,
2 in the individual cases will follow the alphabetical
3 ruling in putting on our individual defense of
4 witnesses and documents pertinent only to that
5 individual phase only at that time.

6 THE PRESIDENT: We will recess for fifteen
7 minutes.

8 (Whereupon, at 1045, a recess was
9 taken until 1115, after which the proceedings
10 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Brooks.

4 MR. BROOKS: I now call the defendant
5 MINAMI on his own behalf on the counts with which
6 he is charged in the Indictment.

7 THE PRESIDENT: Will the court reporter
8 repeat what Captain Brooks said.

9 (Whereupon, the statement above re-
10 ferred to was read by the official court
11 reporter.)

12 THE PRESIDENT: That covers everything.

13 MARSHAL OF THE COURT: Mr. President, the
14 witness was sworn yesterday and signed the oath of
15 witness.

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MINAMI

DIRECT

1 JIRO MINAMI, one of the accused, having
2 been previously sworn, was recalled and testified
3 through Japanese interpreters as follows:

4 THE PRESIDENT: At the completion of the
5 examination in chief we propose to adjourn to enable
6 the counsel for other accused to consider their
7 position.

8 MR. BROOKS: May the witness be handed defense
9 document 989?

10 (Whereupon, the document above
11 referred to was handed to the witness.)

12 DIRECT EXAMINATION

13 BY MR. BROOKS:

14 Q Will you examine that document, General
15 MINAMI, and determine whether that is your affidavit.

16 A This is my affidavit.

17 MR. BROOKS: I might request, if the Court
18 please, that a copy of the affidavit be left with
19 the defendant MINAMI so he may follow the reading
20 over the IBM because of his difficulty in hearing.

21 THE PRESIDENT: Is his hearing impaired in
22 any way?

23 MR. BROOKS: His hearing is impaired.

24 THE PRESIDENT: Under those special
25 circumstances

MINAMI

DIRECT

we accede to your request.

1 MR. BROOKS: May defense document 989 --
2 I now offer defense document 989 into evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document No.
5 989 will receive exhibit No. 2435.

6 (Whereupon, the document above re-
7 ferred to was marked defense exhibit No.
8 989 and received in evidence.)

9 MR. BROOKS: I ask the witness to follow
10 closely the reading of the affidavit. At the end,
11 if there are any corrections or if there are any
12 errors, I will ask you to point them out.

13 I now read exhibit 2435. This is the
14 affidavit of Jiro, MINAMI.

15 THE PRESIDENT: Mr. Comyns Carr.

16 MR. COMYNS CARR: Your Honor, in order to
17 avoid interrupting my friend in the middle of the
18 affidavit may I call attention to the fact that at
19 the bottom of page seven and the top of page eight
20 there is a reference to a letter which the witness
21 says he received from Mr. Pu-Yi and that he says
22 is still in his possession, but it is not produced.

23 MR. BROOKS: That is exhibit 278, your Honor.
24 It is already in evidence.
25

MINAMI

DIRECT

1 MR. COMYNS CARR: As long as it is clear
2 that it is the same document, your Honor.

3 MR. BROOKS: The clerk also has that in
4 court if they want it.

5 MR. COMYNS CARR: I am told that when it
6 was first put in it was for identification only. Has
7 it been made -- May I inquire whether it has been
8 put in evidence at any stage?

9 MR. BROOKS: The prosecution tendered it
10 themselves, as I recall, later on.

11 MR. COMYNS CARR: 278.

12 CLERK OF THE COURT: For identification
13 only. It was a letter purporting to be written by
14 Henry Pu-Yi.

15 MR. COMYNS CARR: And never put into evidence.

16 MR. BROOKS: Mr. Keenan requested that later.
17 It was originally put in for identification, if you
18 recall, and I think a check of the record will bear
19 that out. We will see that it is put in, if the
20 prosecution wants.

21 THE PRESIDENT: Tender it when you come to
22 the reference, Captain Brooks, I suggest.

23 MR. BROOKS: I understand it was tendered
24 by Mr. Keenan at his request and the clerk, while we
25 are reading the affidavit, can check on that and if

MINAMI

DIRECT

1 not we will tender it.

2 (Reading):

3 "I was born on August 10, 1874 at Hiji-
4 machi, Oita Prefecture. After completing the usual
5 course at a military preparatory school and the
6 Military Academy, I was commissioned 2nd Lieutenant
7 of Cavalry in 1895. I took part in the Russo-
8 Japanese War (1904-1905) as a captain of cavalry.
9 At that time ear trouble developed as a result of
10 concussion of cannon fire and for this reason, I
11 have now lost my auditory sense.

12 "In 1924, I became Cavalry Inspector as
13 Lieutenant General; in 1926, Commander of the
14 Sixteenth Division; in 1927 Assistant Chief of the
15 General Staff; in 1929, Commander of the Korean
16 Army; and in 1930, a Supreme War Councilor as full
17 General. On April 14, 1931 when the second WAKATSUKI
18 Cabinet was formed, I was appointed Minister of War.
19 The above a period in which the Japanese Army was
20 reduced by four divisions to carry into effect the
21 decisions of the Washington Conference, and energetic
22 efforts were made in the retrenchment of the national
23 budget. Especially the cabinets formed by the Minseito
24 Party, viz., the KATO, Takaaki Cabinet (June 1924 -
25 January 1926), the first WAKATSUKI Cabinet (January

1 1929 - April 1927), the HAMAGUCHI Cabinet (July 1929 -
2 April 1931), and the second WAKATSUKI Cabinet above
3 referred to took internally the policy of financial
4 retrenchment and upheld externally the policy of peace-
5 ful and conciliatory diplomacy. Although I was not a
6 member of the Minseito, I had a thorough understanding
7 of its policies because General UGAKI, my intimate
8 senior and by whose recommendation I became his successor,
9 had been in office as War Minister for a long time in
10 the Minseito Cabinets ever since the formation of the
11 KATO Cabinet mentioned above. On August 4, 1931, I
12 called the customary conference of Division Commanders
13 in the War Ministry for the first time since I assumed
14 the office of War Minister. The address of instruc-
15 tions which I delivered on that occasion unexpectedly
16 aroused the opposition of a section of the political
17 circles. As it would be clear from a glance at its
18 contents, I gave expression to nothing more than a
19 view natural to a War Minister -- stating that every
20 effort should be made in the training of soldiers to
21 maintain the efficiency of the Imperial Army under
22 the difficult conditions caused by arms reduction.
23 It appears that an issue was created by the fact that
24 some anti-government elements conspired to overthrow
25 the government by intentionally distorting some of my

19,778

MINAMI

DIRECT

1 statements. That I was not opposed to arms reduction
2 may be recognized in the light of the fact that in
3 May 1931, I revised the Army Pay Ordinance, with
4 salary reductions ranging from 5.8% for First Lieuten-
5 ants to 12% for Generals, and that I also endeavored
6 even to effect a cut in pensions.
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1 I said no more than this: that while the European and
2 American powers had swiftly modernized their armaments
3 as a result of World War 1, Japan has left her arms
4 in the same condition as they had been in the previous
5 century, and therefore stressed that in order to per-
6 fect our national defense with a minimum of arms, we
7 must effect an improvement in quality. That I did not
8 try to inspire a positive policy toward Manchuria and
9 Mongolia may be best illustrated by the fact that when
10 an incident broke out later I strenuously maintained
11 the policy of non-expansion to such an extent that I
12 was attacked for being too passive both by the army
13 on the spot and by the people at home. What I said in
14 my speech was that inasmuch as the pending questions in
15 Manchuria and Mongolia were exceedingly complicated,
16 and inasmuch as Premier WAKATSUKI and Foreign Minister
17 SHIDEHARA had announced their views toward the new
18 situation, the army also on its own should not fail
19 to give its attention thereto.

20 "In the night of September 18, 1931, I was
21 staying as usual in the official residence of the War
22 Minister. About 3 o'clock on the morning of the 19th
23 I was suddenly awakened by an officer on duty in the
24 War Ministry and handed a telegram despatched by the
25 Special Service Organ in Mukden. The message said

MINAMI

DIRECT

19,780

1 that about 10:30 p.m. of the 18th the tracks of the
2 South Manchuria Railway northwest of Mukden had been
3 destroyed by Chinese troops, that our railway guard
4 unit had been fired upon and that the Second Battalion
5 of the Independence Garrison had started to move to
6 the spot. About an hour later a telegram came from
7 Commander HONJO which said: "Leaving Port Arthur at
8 3:00 a.m. for Mukden." The telegram was simple and
9 the situation was not clear, but as it was evident
10 that a clash had occurred between the regular Japanese
11 and Chinese troops, I immediately called Lieutenant
12 General SUGIYAMA, Vice-Minister of War, Major General
13 KOISO, Director of the Military Affairs Bureau, and
14 Lieutenant Colonel KUSHIBUCHI, my private secretary,
15 to my official residence to consider steps to meet
16 the situation. At about 5:30 or 6:00 a.m. I reported
17 the incident by telephone to the Premier, and the For-
18 eign Overseas and Navy Ministers, and to the Premier
19 I requested the immediate convening of an extraordi-
20 nary cabinet meeting.

21 "Meanwhile the General Staff Headquarters had
22 also received a similar telegram and Chief of the Gen-
23 eral Staff KANAYA, Assistant Chief of the General Staff
24 NINOMIYA and other responsible members of the Head-
25 quaters were in conference. At about 7 a.m. Director

1 KOISO of the Military Affairs Bureau representing
2 the War Ministry went to the General Staff Head-
3 quarters for liaison. At about 9.00 a.m. the two
4 parties came to an agreement, and decided upon the
5 policy of non-expansion. What we feared more than
6 anything else at the time was whether or not the
7 lengthy railway line, the 200,000 Japanese residents
8 and one million Koreans in Manchuria could be pro-
9 tected with the small Kwantung Army force of 10,000
10 men in the face of the formidable army of CHANG
11 Hsueh-liang numbering 250,000. If the Nikolaievsk
12 Incident involving the massacre of several hundreds
13 of Japanese residents in Nikolaievsk by Russians in
14 1920 were to be repeated it would be a serious matter
15 and the army would be charged for negligence in the
16 proper performance of its duties to the people. For
17 this reason opinion in the Supreme Command strongly
18 favored the despatch of reinforcements for operational
19 reasons and therefore it took some time before the
20 War Ministry could come to a decision on the non-
21 expansion policy. At an extraordinary cabinet meeting
22 held at 10:00 a.m. the foregoing policy was adopted
23 by the Cabinet, and thereafter the Prime Minister and
24 the Chief of the General Staff in turn reported the
25 decision to the Throne and obtained the Imperial

1 Sanction. That afternoon the Chief of the Army
2 General Staff wired this fact as a Supreme Command
3 order to Commander HONJO of the Kwantung Army and I
4 sent telegraphic instructions on the government
5 policy to the Commander myself. From this time on
6 the military operations of the army on the spot came
7 under the jurisdiction of the Chief of the Army
8 General Staff as an exercise of the prerogative of
9 the Supreme Command. At this time Lieutenant General
10 HAYASHI, Senjuro, Commander of the Korean Army re-
11 ported to Tokyo that sending reinforcements to Man-
12 churia admitted of no delay, but a stop order was
13 communicated to him through the Chief of General
14 Staff.

15 "In the afternoon of the 21st, while I was
16 engaged in consultation with Premier WAKATSUKI after
17 the conclusion of the Cabinet meeting and all cabinet
18 ministers had retired, a telegram arrived from the
19 Commander of the Korean Army, reporting that, moved
20 with irresistible sympathy over the fervent requests
21 of the Kwantung Army, he had, at his own discretion,
22 ordered the Shingishu Mixed Brigade to cross the
23 border. After conferring with the Premier, I re-
24 ported the border crossing of the Korean Army at its
25 own discretion to a cabinet meeting held in the morn-

1 ing of the following day, the 22nd. The Cabinet,
2 taking into consideration the precarious position of
3 the Kwantung Army, saw no alternative but to approve
4 the despatch of the said brigade and the defrayal of
5 expenses accompanying such action. The Prime Minis-
6 ter immediately reported the affair to the Emperor,
7 the Chief of the General Staff following suit, and
8 the Imperial Order for the crossing of the border was
9 communicated to the Korean Army by the Chief of the
10 Army General Staff. The Cabinet meeting on the same
11 day decided that, as the action of the Kwantung Army
12 was a temporary measure and not an occupation of
13 Manchuria, no military administration was to be es-
14 tablished. This decision was communicated to Com-
15 mander HONJO by myself. Further, on September 26,
16 the Cabinet passed a decision prohibiting Japanese
17 participation in the movement to establish a new
18 government in Manchuria and telegraphic instructions
19 to this effect were sent by the Foreign Ministry to
20 Foreign Office organs in Manchuria and to the Kwan-
21 tung Army by myself. Such instructions were consid-
22 ered necessary because we had received reports that
23 movements for the independence of Manchuria had sud-
24 denly become active with the outbreak of the incident,
25 and especially that those in favor of restoring the

1 Ching Dynasty had started vigorous activities, and we
2 were concerned lest the army on the spot should be
3 dragged into such activities. Later, in the early
4 part of November, a person by the name of TOYAMA,
5 Takeo brought me a letter as a messenger of Emperor
6 HSUANTUNG who had been residing in Tientsin."

7 This is the letter referred to as exhibit
8 278. Is it in evidence?

9 CLERK OF THE COURT: The Court record shows
10 that exhibit No. 278 was offered for identification
11 21 August, 1946 by the defense and offered in evi-
12 dence by the prosecution 22 August, 1946.

13 MR. COMYNS CARR: Does the Court record show
14 that it was accepted in evidence?

15 CLERK OF THE COURT: The record does not
16 show.

17 MR. COMYNS CARR: I understand it was not,
18 for which reason, as far as I am aware, nobody has a
19 translation of it, neither in the prosecution nor, as
20 far as I know, in the Court. May I ask if there is
21 a translation of it amongst the Court records?

22 THE PRESIDENT: If it is not there, you will
23 supply it, won't you, Captain Brooks?

24 MR. BROOKS: Yes, your Honor.

25 Resuming the reading:

1 "Although I did not personally talk with him,
2 his message which was conveyed to me through my sec-
3 retary or officer on duty -- I do not remember which --
4 was that the Emperor HSUANTUNG was desirous of effect-
5 ing a fundamental correction of the evil administra-
6 tion of the Sheng regime in Manchuria. As there
7 was no reason for me to believe the words of such a
8 messenger, and especially as it was the government's
9 fixed policy not to interfere in the domestic affairs
10 of China, and I did not favor the proposition, I
11 ignored the letter without replying to the letter of
12 Mr. Pu Yi.

13 "Not only that, on November 15 I sent tele-
14 graphic instructions to the Commander of the Kwantung
15 Army stating that: 'While various rumors current
16 about the question of Emperor HSUANTUNG, the Kwantung
17 Army must strictly refrain from interfering in the
18 domestic affairs of China, and act with utmost
19 caution.'

20 MR. COMYNS CARR: I object to this portion
21 of the affidavit, your Honor. This is an attempt to
22 get in by hearsay evidence as to the authenticity of
23 the signature. In my submission, that is going be-
24 yond the limits of anything in the way of hearsay
25 that the Court has so far tolerated.

1 MR. BROOKS: If the Tribunal please, I under-
2 stand there is no restriction on an accused saying
3 anything that is relevant to the case at any time.
4 I object to these interruptions. I think the prose-
5 cution may want more time, and I object to the in-
6 terruptions of my reading the affidavit.

7 MR. COMYNS CARR: There is no need to make
8 observations of that sort, in my submission, your
9 Honor. With regard to the position of an accused in
10 tendering evidence, in my submission, he is in no
11 different position from any other witness.

12 MR. BROOKS: Not only that, your Honor:
13 A large part of the prosecution's case was hearsay
14 also; and this is not hearsay, but it is a statement
15 as to the signature on that letter.

16 THE PRESIDENT: The Tribunal admits it.
17 But, as to its weight, we may have different opinions;
18 it all depends.

19 MR. BROOKS: Continuing reading:

20 "Several years later, when Cheng Hsiao-hsu,
21 Prime Minister of Manchukuo, visited Japan, I called
22 on him at the Imperial Hotel and, showing him the
23 letter in question, asked him whether the letter was
24 genuine or false. Cheng signed the letter certifying
25 that it was the real handwriting of Emperor HSUANTUNG.

1 I have kept this letter to this day as a souvenir.

2 "On September 24, the Japanese Government
3 issued its first statement concerning the Mukden
4 Incident. Prior to this announcements on the situa-
5 tion were being issued about twice a day by our dele-
6 gation to the League of Nations. Conditions on the
7 spot, however, were not sufficiently clear even to
8 us cabinet ministers. After the incident seemed to
9 have been settled, a new situation developed with
10 the result the situation was always ahead of the
11 government statement, placing me in a very awkward
12 position. This was because, as a principle on which
13 the army was established the War Minister could not
14 interfere with military operations. The Kwantung
15 Army, on the other hand, appealed to us that the
16 situation on the spot was such that, while the army
17 in Manchuria had to abide by the non-expansion, it
18 was unavoidable for them to take necessary measures
19 for self-defense in the face of constant attacks by
20 an enemy whose forces were more than twenty times
21 greater than our own and that, unless they did other-
22 wise, nothing remained for them but self-annihilation.
23 And yet, when a request came from the Kwantung Army
24 for permission to despatch troops to Harbin for the
25 protection of Japanese residents, we not only per-

MINAMI

DIRECT

1 suaded the Chief of the Army General Staff and had it
2 flatly rejected, but also succeeded in having the
3 main force withdraw to the railway zone. However,
4 with the withdrawal of our troops Chang Hsueh-liang's
5 armies, taking advantage of the situation, advanced
6 to the railway zone, causing disturbances in the rear.
7 Consequently, in the beginning of October, a recon-
8 naissance flight was made by our aircraft over Chin-
9 chow, the headquarters of the Chang army. Then the
10 report was received that, as the Chang forces had
11 opened fire, our aircraft had dropped bombs on them.
12 As the flight was made without any previous notifi-
13 cation either to the Chief of the Army General Staff
14 or to me, I immediately issued a severe warning to
15 Commander HONJO. In November Ma Chan-shan's army
16 destroyed a railway bridge over the Nonni River and
17 fired on our units which went to repair it. As Ma's
18 troops failed to comply with our repeated warnings,
19 the Kwantung Army decided to repulse them. Later
20 the central military authorities ordered the Kwan-
21 tung Army to evacuate immediately from Tsitsihar,
22 and this order was effectively carried out. In the
23 latter part of November, when a riot broke out among
24 Chinese troops in Tientsin, a request came from the
25 North China Garrison for reinforcements. Not only

MINAMI

DIRECT

19,789

1 was this request refused, but the reinforcement of
2 the Kwantung Army which had advanced to the neigh-
3 borhood of Chinchow also was ordered to withdraw
4 to the railway zone near Hsinmintun east of the river
5 Tataoho. About this time, the annual army maneouvers
6 were held in Kyushu under the personal supervision
7 of the Emperor. Although the War Minister had to
8 accompany His Majesty, I remained in Tokyo with the
9 Imperial permission as I had to attend to the ever
10 changing situation both at home and abroad, and
11 exerted my best efforts to prevent the expansion
12 of the conflict, in close collaboration with govern-
13 ment as well as the Supreme Command. I still re-
14 member that when we succeeded in preventing the
15 advance of the Kwantung Army to Chinchow the Prime
16 Minister and I, just the two of us together, drank
17 a toast congratulating ourselves on our success at
18 the Premier's official residence. Such being the
19 case, I can state with the utmost confidence that
20 at least while I was War Minister, there absolutely
21 never was issued a false statement or a breach of
22 international agreements committed, although because
23 of the rapidly changing situation in Manchuria, the
24 statements of the Japanese Government and the actual
25 conditions on the spot were inverted in point of

1 time and therefore were confused.

2 "Aside from the many difficult problems in
3 Manchuria mentioned above, I was informed in the
4 middle of October that there were indications of
5 possible disorder among a group of young officers
6 at home. I had these elements immediately apprehended by the Gendarmerie and had the matter properly dealt with. Because of the moderate policy of the WAKATSUKI cabinet voices of dissatisfaction against it grew up both within and without Japan. This led the Prime Minister to try to organize the Cabinet by a coalition of the Minseito and Seiyukai parties. This attempt failed, however, and the independent action taken by Home Minister ADACHI caused the Cabinet to resign en bloc on December 10 because of disunity in the Cabinet. After my resignation from the office of War Minister I was given the obscure post of Supreme War Councilor. There was nothing to do except to assemble about twice a year to hear lectures given by the military authorities. As I had been requested to serve as tutor to the young Prince KAN-IN, I devoted my time to this work and paid but little attention if any to the political and military affairs. Just after three years, on December 10, 1934, I was unexpectedly

MINAMI

DIRECT

1 appointed Ambassador to Manchukuo, and concurrently
2 Governor of the Kwantung Leased Territory and Com-
3 mander of the Kwantung Army, at the recommendation
4 of the OKADA Cabinet.

5 "Being installed in the new posts by the
6 personal command of His Majesty, I went to Ksinking
7 after consultations with Prime Minister OKADA, For-
8 eign Minister HIROTA, Finance Minister TAKAHASHI,
9 War Minister HAYASHI and Justice Minister OBARA, en-
10 trusted with the task of having the government's
11 policy thoroughly carried out in Manchukuo. Not
12 only had the Japan-Manchukuo Protocol been concluded
13 and Japan recognized the independence of Manchukuo
14 the previous year, but the Vatican, the Republic
15 Salvador and the Dominican Republic had also recog-
16 nized her and Manchukuo was growing as a newborn in-
17 dependent state. In January of the following year
18 (1935), Foreign Minister HIROTA declared in the Diet
19 the policy of amity toward China and on February 3,
20 replies thereto came from General Chiang Kai-shek,
21 Mr. Wang Ching-wei and Mr. Sun Fo, thus bringing
22 about mutual understanding between China and Japan.
23 This was followed by the satisfactory conclusion of
24 various agreements between Manchukuo and China re-
25 lating to customs, postal and telegraphic matters.

1 In March Manchukuo entered into agreements with Soviet
2 Russia for the navigation of inland waterways and for
3 the sale of the Chinese Eastern Railways, and it was
4 agreed to that a committee be appointed for the set-
5 tlement of the boundary question. As field Marshal
6 MUTO, the first Ambassador to Manchukuo, was received
7 by the Emperor of that country on the 1st, 11th and
8 21st of each month, and General HISHIKARI, the second
9 Ambassador, on the 2nd, 12th and 22nd, I, as the
10 third, had the 3rd, 13th and 23rd of each month as
11 my days for regular audiences. During the period be-
12 tween April 2 and April 27, the Emperor of Manchukuo
13 visited Japan, and was graciously received by our
14 Imperial Family. Thus as Japan and Manchukuo stood
15 on equal footing, it was the policy of the OKADA
16 Cabinet and also my personal conviction that the In-
17 dependence of Manchukuo should be completely re-
18 spected and every encouragement given for her healthy
19 growth as a sovereign state. Hence the Kwantung Army
20 made the maintenance of peace and order as its pri-
21 mary function and for this reason I frequently gave
22 them stern instructions not to meddle in politics or
23 do anything injurious to the prestige of Manchukuo.
24 In pursuance of the policy of the government as soon
25 as I took office, I abolished the Special Service

MINAMI

DIRECT

1 Department of the army and the government of the
2 Kwantung leased Territory and tried my best to
3 simplify the Japanese organs in Manchukuo to every
4 extent possible. During my tenure of office there
5 was never a case of Japanese troops crossing the
6 border.

1 "In May, 1935, the Japanese Legation in China
2 was elevated to Embassy status and Ambassador ARIYOSHI
3 presented his credentials to President Lin Shen of
4 the Chinese Government. In June, General Chiang
5 Kai-shek promulgated the Neighborly Friendship
6 Ordinance which greatly stimulated the growth of
7 friendly sentiments between Japan and China. During
8 the same month, in order to assure peace along the
9 China-Manchukuo border, the so-called 'UMEZU-Ho
10 Yin-chin, DOHIHARA-Cheng Te-chun' and other agree-
11 ments were concluded. With regard to these agree-
12 ments I received reports that they were concluded in
13 an exceedingly friendly atmosphere. Although these
14 agreements were of a local nature, they were con-
15 cluded with the full approval of the governments of
16 both countries. In July the Japan-Manchukuo Economic
17 Commission was set up to deal with various economic
18 questions on a basis of equality. In August, the
19 Japanese government announced its decision to re-
20 linquish Japanese extra-territorial rights in Man-
21 chukuo. This was a serious decision on Japan's
22 part, as she was to return to Manchukuo the rights
23 and interests which she had hitherto enjoyed there.
24 During the same month, Prince Teh of Inner Mongolia
25 came to Hsinking with a request for an audience with

1 the Emperor. It is believed that the Prince, envious
2 of the sound and peaceful development of Manchukuo,
3 desired to make Inner Mongolia independent, follow-
4 ing the example of Manchukuo. As for me, I believed
5 that the independence of Inner Mongolia which Prince
6 Teh was planning was not proper both from the stand-
7 point of substance and time and always refused his
8 requests for assistance. Lieutenant Colonel TANAKA,
9 Tyukichi, then a staff officer of the Kwantung Army,
10 being well acquainted with the conditions in Mon-
11 golia because of his duties, was enthusiastic about
12 the question of Mongolia. Even as late as 1942 he
13 visited me in Tokyo with a request that I become the
14 head of an association for assisting the independence
15 of Mongolia. Of course, I refused to comply with this
16 request. For the same reason, with regard to the
17 North China question also, I only devoted my efforts
18 for the maintenance of peace between China and Man-
19 chukuo, in accordance with the directions of the cen-
20 tral government, and never at any time did I attempt to
21 engage in political negotiations. I heard that the
22 formation of the Hopei-Chahar regime toward the end
23 of the same year was at the initiative of the Chinese
24 Government. On February 26, 1936, an armed insurrec-
25 tion broke out in Tokyo, resulting in the assassina-

1 tion of a number of prominent men. Lamenting over
2 this situation, I voluntarily requested to be relieved
3 from my office. I was relieved of my post on March
4 6, and placed on the waiting list on April 18, and
5 was transferred to the reserve list on April 22.
6 Soon after my return to Japan, on August 5, I was
7 unexpectedly appointed Governor General of Korea."

8 Do you want me to stop there, if your
9 Honor please, or try to continue? I do not think I
10 can finish before noon. This is a good place --

11 THE PRESIDENT: You can finish in about
12 five minutes. You have about two minutes to go and
13 a few minutes after that.

14 MR. BROOKS: All right, your Honor.

15 "I think it was my predecessor as Governor
16 General of Korea, General UGAKI, who recommended me
17 as his successor. I took this office not as soldier
18 but as civilian. As all military affairs were under
19 the exclusive charge of the Commander of the Korean
20 Army, I never handled military matters during tenure
21 of office in Korea. As Governor General, I have
22 nothing to say except that I devoted myself entirely
23 to the elevation of the status and conditions of the
24 Korean people.
25

"After my retirement as Governor General of

1 Korea on May 29, 1942, I was appointed a Privy Coun-
2 cillor, which post I held until March 1945. During
3 my tenure of office His Majesty consulted the Privy
4 Council with regard to a proposal concerning the re-
5 vision of the government organization regulations to
6 place the governor-generals of Korea and Formosa under
7 the jurisdiction of Home Minister, in consequence of
8 the establishment of the Ministry of Greater East
9 Asiatic Affairs in October 1942. At that time, I was
10 appointed a member of the Investigation Committee of
11 this proposal by the President of the Council. Al-
12 though I did not utter a single word about the Min-
13 istry of Greater East Asiatic Affairs, I vigorously
14 opposed the government proposal concerning the office
15 of the governor-general of Korea, on the basis of my
16 personal experience, because I felt apprehension lest
17 the new measure have various undesirable effects upon
18 colonial administration. However, the proposal was
19 approved over my objection by the majority. I have
20 nothing else to say with reference to my tenure of
21 office as Privy Councillor.

22 "The Imperial Rule Assistance Political
23 Society formed during the KONOYE Cabinet by the dis-
24 solution of all political parties, gradually lost
25 the confidence of the people, and in its place the

1 Dai-Nippon Seiji Kai (Japan Political Association)
2 was established on March 30, 1945. Unlike the former,
3 the latter was not a government serving organization.
4 The chief aim of the new association was to reflect
5 public opinion upon government, and thereby correct
6 the policies of the government and the military.
7 In this respect, the new organization was fundament-
8 ally different from the Imperial Rule Assistance
9 Political Society, which had no link whatsoever with
10 the people. I was recommended to lead this associa-
11 tion by those who used to hold leading positions
12 in the former Seiyukai and Minseito Parties because
13 in their opinion I was best qualified to restrain and
14 control government and the military. Realizing in-
15 tensely the necessity of guiding Japanese politics
16 in accordance with public opinion in view of the in-
17 creasingly critical war situation, I accepted the
18 offer, pledging my life to the performance of my
19 task. In order to attain the aims of the new associ-
20 ation, I began my work as its head by establishing
21 chapters in prefectures, cities, towns and villages
22 throughout the country, with a view to maintaining
23 direct contact with the people. The expenses of
24 the new society were met by membership fees. No
25 financial support whatsoever was received from the

1 government. In order to hear the true voice of the
2 people, I personally attended the inaugural meeting
3 of local chapters, and as soon as I returned to Tokyo
4 from my trips I counselled the government and mili-
5 tary authorities as to how the people thought and
6 what they wished. Less than six months after the
7 association was formed, the war came to an end, and
8 it was dissolved on August 20, 1945."

9 There is no other accused, your Honor, who
10 desires to conduct additional direct examination or
11 cross-examination on the affidavit of this witness;
12 and there is, therefore, no need, so far as the
13 defense is concerned, for any adjournment for that
14 purpose.

15 MR. MIMACHI: Following consultation during
16 the noon recess, I might have a number of direct
17 questions to address to this witness by way of direct
18 examination. That would be on one or two points.

19 THE PRESIDENT: You do not require an ad-
20 journment over the afternoon for that purpose?

21 MR. MIMACHI: After the noon recess, sir.

22 THE PRESIDENT: We will adjourn until half-
23 past one.

24 (Whereupon, at 1200, a recess was

25 taken.)

MINAMI

DIRECT

19,800

AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

J I R O M I N A M I, one of the accused, having
been previously sworn, resumed the stand and
testified through Japanese interpreters as
follows:

THE PRESIDENT: Captain Brooks.

DIRECT EXAMINATION

BY MR. BROOKS (Continued):

Q General MINAMI, you have heard your affidavit
read. Is it correct as read?

A No errors.

MR. BROOKS: The prosecution may cross-examine.
There will be no further examination by the defense.

MR. COMYNS CARR: If the Tribunal please --

THE PRESIDENT: I understood a Japanese coun-
sel was to put some questions.

MR. BROOKS: I questioned him on that, your
Honor, as co-counsel. I questioned the counsel re-
ferred to, your Honor. He is one of my associate
counsels, and I did not see fit to ask those questions
at this time.

1 THE PRESIDENT: What happened to Pu-Yi's
2 letter? Was it finally tendered?

3 MR. BROOKS: Mr. Pu-Yi's letter fits into the
4 next phase following. Mr. Blakeney is going to present
5 it and a handwriting expert at that time. He may refer
6 to it at that time, or I will offer it now, whichever
7 the Court desires.

8 THE PRESIDENT: Admitted on the usual terms.
9 Mr. Carr.

10 MR. COMYNS CARR: Your Honor, may I ask
11 whether--

12 CLERK OF THE COURT: Court exhibit No. 278
13 has now been admitted in evidence. It was tendered for
14 identification on the 21st day of August 1946.

15 (Whereupon, the document above re-
16 ferred to was received in evidence.)

17 MR. COMYNS CARR: No translation of it has
18 ever been served, your Honor. May I ask that that
19 be done?

20 THE PRESIDENT: That must be done.

21 MR. BROOKS: The translations have been served
22 several days ago, and the copies of the Court will now
23 be served of that letter.

24 THE PRESIDENT: Mr. Carr.

25 MR. COMYNS CARR: Your Honor, the affidavit

MINAMI

1 also contains, as the Tribunal will have noticed, a
2 large number of references to documents which are
3 neither produced nor accounted for. The Tribunal has
4 several times warned the defense that that must be done.
5 In the case of an important affidavit such as this I
6 am going to ask the Tribunal to rule that it either be
7 done or the passages in question be struck out of the
8 affidavit.

9 MR. BROOKS: As the Court will recall some
10 time last year the documents in question were subpoenaed
11 by the defense for MINAMI's use from the Documents Center
12 at Washington, D. C. We have received several reports
13 from that Documents Center in answer to telegraphic
14 messages urging those documents to be forwarded promptly.

15 THE PRESIDENT: But the rule still stands.
16 The documents must be produced or accounted for, other-
17 wise the evidence will be disregarded.

18 MR. BROOKS: If the power of the International
19 Military Tribunal's subpoena is disregarded, I am sure
20 the defense can't go any further than that.

21 However, we do have copies that have been
22 taken from some of the exhibits or evidence that has
23 been in the hands of the prosecution that we have of-
24 fered previously to this and have been rejected.

25 THE PRESIDENT: Does Washington's attitude

MINAMI

1 account for all the documents except Pu-Yi's letter?

2 MR. BROOKS: They account for the documents,
3 the telegrams that I think the prosecution is refer-
4 ring to, the top secret documents that were forwarded.
5 The witness on the stand is the man that sent the
6 telegrams and should know what was in them.

7 And we have other documents that have been
8 referred to repeatedly. I don't think the prosecution
9 is aware of the situation of our efforts in trying to
10 get these documents into Court. We are as anxious to
11 get them as they are.

12 MR. COMYNS CARR: Can my friend point to any
13 evidence that the particular documents in question
14 ever went to Washington?

15 MR. BROOKS: There is a catalog index of all
16 the documents that went to Washington in the prosecu-
17 tion's possession, and by borrowing that said index
18 from the prosecution is how we discovered where they
19 were, and we based upon that catalog and index and
20 code numbers our subpoenas, describing them by code
21 numbers.
22

23 The difficulty seems to be in Washington that
24 many of these documents were in Japanese et cetera,
25 and there is a large number of documents in that file
there, and in locating and preparing those for shipment,

MINAMI

1 as I understand, there is other documents in there
2 besides the ones that we have subpoenaed; of course,
3 they will only want to sort out the ones we have
4 asked for and send those, not all the bales.

MINAMI

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1 THE PRESIDENT: Has Washington given any
2 reason for not complying with the subpoena?

3 MR. BROOKS: I asked our defense counsel who
4 have been in Washington since the subpoena was issued
5 to check several times on this matter and we have
6 been informed that sometimes it takes months for these
7 documents to arrive by the process of shipment that they
8 receive in Washington, and in some cases some of the
9 boxes had not arrived at that time.

10 THE PRESIDENT: If the originals are not
11 immediately available the Charter allows us to admit
12 secondary evidence. They are not immediately available,
13 according to you, Captain Brooks.

14 MR. COMYNS CARR: Your Honor, there is no
15 evidence whatever of that, nor is there the slightest
16 attempt in this nor any of the other affidavits to
17 which I have objected to identify any particular docu-
18 ments spoken of in the affidavit with any particular
19 document alleged to be in Washington.

20 MR. BROOKS: We will attempt to process the
21 copies of the documents that we have taken from the
22 prosecution document files and present those as soon
23 as we can have them processed.

24 THE PRESIDENT: The Court will be greatly
25 relieved if cross-examination could continue in the

MINAMI

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1 meantime.

2 CROSS-EXAMINATION

3 BY MR. COMYNS CARR:

4 Q General MINAMI, can you hear the questions
5 with the assistance of those earphones?

6 A I can hear.

7 Q You became War Minister on the 14th of
8 April, 1931, did you not?

9 A Yes.

10 Q Were you aware of the plans in existence
11 to be used in the event of war with various countries
12 at that time?

13 A I do not know; I am not aware of them in detail.

14 Q Did you know, for instance, that it was part
15 of the plan, the Japanese plan, in the event of war
16 against Russia, that advances should be made in several
17 directions, including one through Manchuria?

18 A I do not know.

19 Q Didn't you take any interest in such a matter?

20 A At that time I did not.

21 Q Why not?

22 A When I became War Minister, I entered
23 primarily upon the task of reforming and reorganizing
24 the army.
25

THE INTERPRETER: Correction: My primary

1 task was to reform the organization of the army.

2 Q You have referred to the speech which you
3 made on the 4th of August, 1931. Did you express the
4 view that Manchuria was Japan's life line?

5 A Yes.

6 Q And wasn't that because in the event of war
7 breaking out between Japan and Russia, you would
8 require Manchuria as a base for operations against
9 Russia?

10 A Yes.

11 Q Now, if Manchuria was still a part of China
12 at the time when war broke out between Japan and
13 Russia, for Japan to advance through Manchuria would
14 or might involve war with China as well as Russia, would
15 it not?

16 MR. BROOKS: I object to that question, your
17 Honor, as being speculative; it has no relevancy and
18 materiality.

19 THE PRESIDENT: Objection overruled.

20 Q What is the answer to the question?

21 A If unfortunately there was a clash between
22 Japan and Russia, it was our intention not to have
23 China become involved.

24 Q How were you going to avoid it if it was also
25 your intention to attack Russia through Manchuria?

1 A There was no idea whatsoever of striking
2 against Russia -- or attacking Russia.

3 Q But you have told me that in the event of
4 war breaking out between Russia and Japan, it was
5 the Japanese Army's intention to advance through Man-
6 churia. How were you going, in that event, to avoid
7 being involved in war with China if at the material
8 time Manchuria was still part of China?

9 A In case of attack, Manchuria was to undertake
10 the defense of that territory; and on the basis of
11 diplomatic relations -- and through diplomatic nego-
12 tiations Japan was to participate in that defense.
13 We had no idea whatsoever of bringing China into this
14 war.

15 THE MONITOR: The first part, "In case of
16 attack" should be "In case of attack by Russia."
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1 Q Wasn't the Japanese Army extremely anxious
2 to detach Manchuria from China and assume control over
3 it for the reason amongst others that it would be much
4 more convenient in the event of war with Russia?

5 A May I be permitted to express my idea? I
6 have never thought at any time of waging war with
7 Russia. Even during peacetime it has always been my
8 thought that it would be a very great disadvantage to
9 fight with Russia. Only in the event of an attack on
10 the part of Russia against us, then we had intentions
11 of borrowing territory from which to fight against
12 Russia but I had never entertained any idea of using
13 Manchuria as a route through which to attack Russia.
14 The idea is fundamentally different.

15 Q I am not concerned with the question who
16 might attack in the first instance. What I am asking
17 you was if it was not the idea of the Japanese Army
18 that they would be in a much stronger position in the
19 event of war with Russia if they were previously in
20 occupation of Manchuria.

21 A No.

22 Q You think they wouldn't be. Now, do you
23 remember entertaining at luncheon the heads of the
24 South Manchuria Railway on the 30th of June 1931?

25 A Yes, I do.

MINAMI

CROSS

1 Q This is exhibit 2202-A that I am now referring
2 to. Did you have various military chiefs there?

3 A No.

4 Q Let me suggest to you the names from the
5 report: KANAYA, Chief of the General Staff; wasn't
6 he present?

7 A Yes, he was there.

8 Q SUGIYAMA and ITO?

9 A Yes, they were there.

10 Q NINOMIYA?

11 A Yes.

12 Q KOISO, the accused who was then Chief of the
13 Military Affairs Bureau?

14 A Yes, he was there.

15 Q And TATEKAWA, Chief of the Second Section?

16 A Yes, he was there.

17 Q Then why did you say there were not various
18 military chiefs there?

19 A This was all sort of a meeting of friends, so
20 to speak. Every year when the president of the South
21 Manchuria Railway and other officials of that company
22 came up to Tokyo the president of the South Manchuria
23 Railway invited various government departments which
24 had any interest in Manchuria, namely, the War Ministry,
25 the Foreign Office, the Ministry for Overseas Affairs.

MINAMI

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1 It was a purely social function to which we were
2 invited to a luncheon and there discussed topics of
3 the day. In return for that luncheon tendered by
4 the president of the SMR the heads of the various
5 ministries which were invited there gave luncheons
6 and I as Minister of War would be a sponsor for one
7 of the luncheons by way of returning the courtesy of
8 the president of the South Manchuria Railway.

9 These meetings had no meaning whatsoever
10 except that they were purely social functions and,
11 inasmuch as the War Ministry issued the invitations
12 to these parties, the Chief of the General Staff, the
13 Vice Minister and others who were in the inner group
14 were naturally in attendance at the luncheon. Being
15 a purely social affair there was no serious discussion
16 at any time. It was: "Hello, there. I haven't seen
17 you for some time," and so forth. I did not even
18 remember such a meeting but I recall it because my
19 memory was -- my attention was called to it; otherwise
20 I would have forgotten it entirely.

21 Q Was there an unofficial military councillors'
22 conference on the same day?

23 A I do not know.

24 Q At some function on that day did you say this:
25 "The army has long recognized the necessity of increasing

MINAMI

CROSS

1 our divisions in Korea and we hope the day will come
2 when more divisions will be dispatched there"?

3 A Well, I might have said something of that
4 nature but it was the army's desire to increase its
5 division strength in Korea and that desire had existed
6 for a number of years, but after I entered the Cabinet
7 as War Minister I found that the circumstances and the
8 situation was entirely different. The government had
9 no money, no funds, to make such a provision and on
10 that basis I said that this couldn't be done. That,
11 I think, I did say.

12 Q What you did say was that it had not been
13 decided yet?

14 A Not only did I say that it was not decided
15 yet, but as far as I was concerned I couldn't do it --
16 Not only did I say that it was not decided yet, I said
17 that it can't be done; and, of course, there was the
18 voice from -- voices from Korea desiring the increase
19 in divisional strength at Korea and on the part of the
20 army the desire to increase the strength in Korea, but
21 I issued a statement negating such desire both at home
22 and abroad.

23 Q Do you know that that part of your statement,
24 if you made it, didn't get into the report?

25 A There was no need of writing about it.

MINAMI

CROSS

1 Q I see. Well, now, what was the reason why
2 the army wanted to increase its divisions in Korea?

3 A I don't know; however, there was a long-
4 standing desire among the people in Korea in civilian
5 circles and others to increase divisional strength
6 there not only for purposes of defense, another, in
7 order to promote the prosperity in that area, and
8 these civilian circles even sent lobbyists to Tokyo
9 to see that that desire was carried out. It was in
10 order to quell and to erase such a fact, such desire,
11 that I made my statement, public statement, saying
12 that there will be no increase in division strength
13 in Korea.

SECRET

CROSS

1 Q How, in your speech on the 4th of August you
2 said: "Manchuria and Mongolia are very closely
3 related to our country from the viewpoint of their
4 national defense." Why?

5 A In order to establish or to consolidate
6 peace in the Orient, conditions in Manchuria and
7 Mongolia must be stable, and I think you would have
8 a precise answer from me to your question if you
9 would permit me to speak on the meaning of the
10 address that I delivered on the 4th of August.

11 There were three points in the address
12 of instructions that I gave at the divisional com-
13 manders conference. First was a reform of Japanese
14 military installations. The second point was the
15 education and training of soldiers and to carry out
16 the **duties** of the soldiers. And the third was to
17 issue instructions in view of the fact that the
18 Manchurian questions were at that time rather serious.
19 It happened that the situation -- the third point
20 was instructions to the divisional commanders to be
21 well acquainted with the situation both at home and
22 abroad because at that time it happened that the
23 Manchurian question was becoming serious.

24 THE MONITOR: Slight correction. The third
25 was an address of instructions to these commanders

1 to be well acquainted with Manchurian problems
2 because that question was becoming important at
3 that time.

4 And so if the purpose of that address were
5 made clear, then the general public misunderstanding
6 and so forth would be cured.

7 The first point with respect to the reform
8 and improvement of arms and installations for the
9 army, the point was the mechanization of our armed
10 forces by the use of tanks, armored cars, airplanes,
11 and so forth. If these improvements could be
12 carried out the number of divisions could even be
13 reduced. Some of the various branches of the armed
14 forces could be abandoned, but that such improvements
15 need be made because Japan was behind the other world
16 powers in point of military installations. However,
17 when I became War Minister I found that the situation
18 was quite different from what I had expected. The
19 cabinet was continuing the policy of the previous
20 HAMAGUCHI Cabinet. The total state budget was no
21 more than 1,448,000,000 yen. That was the extent
22 of the national budget. And the total budget in so
23 far as the army was allotted was a mere 180,000,000
24 yen. The WAKATSUKI Cabinet was continuing the same
25 financial policy, and its stand was that it cannot

support any program of increasing the army. In

1 order to effect a reform and reorganization of the
2 army and to mechanize the army within the scope of
3 this very limited budget a number of branches in the
4 army service had to be abolished. In order to
5 bring about a reform in military armaments and
6 installations within this highly limited budget it
7 was necessary to cut down numerically the strength
8 of the army; it was necessary to dispose, to dis-
9 miss a number of the officers. It had to change
10 and make readjustment in the various branches of
11 the army service, with the result that it had
12 every danger of causing a great deal of unrest among
13 the people. Following the First World War general
14 public opinion -- arms reduction was the voice of
15 public opinion. And thus during the time I think
16 it was -- and in Japan also, and I think this was
17 in the time of War Minister YAMANASHI there was a
18 reduction in the number of divisional districts and
19 in numerical strength of the army. In other words,
20 this was arms reduction. Then later, two or three
21 years later, during the War Ministership of General
22 UGAKI the Japanese Army was reduced by four divisions.
23 Because there was one reduction after another, when
24 I became War Minister and proposed the mechanization
25

1 of our forces with the accompanying reduction, the
2 general opinion among officers and soldiers was,
3 "Reduction again?"

4 THE PRESIDENT: I thought he was going to
5 explain his speech of the 4th of August.

6 MR. COMYNS CARR: Yes, your Honor.

7 THE PRESIDENT: When are you going to
8 reach the explanation?

9 THE WITNESS: I am in the midst of explain-
10 ing, sir.

11 THE PRESIDENT: Are you coming back to his
12 speech of the 1st of July, 1931? According to
13 exhibit 2202-A, he said on that day: "We hope
14 the day will come when more divisions will be
15 dispatched to Korea."

16 MR. COMYNS CARR: Yes.

17 THE PRESIDENT: Why did he entertain those
18 hopes?

19 THE WITNESS: I had the hope that if the
20 national treasury permitted we would like to have
21 done it.

22 THE PRESIDENT: What was the need?

23 MR. BROOKS: If the Tribunal please, the
24 witness has answered that already. I think he
25 answered that before and covered that, and I don't

MINAMI

CROSS

1 know -- I think the prosecution may have left that
2 too soon, but I would like for them to finish this
3 logically and then come back to it.

4 THE PRESIDENT: Please **don't** interfere.
5 It is no function of yours to interfere.

6 MR. BROOKS: I am defense counsel, your
7 Honor.

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1 A And therefore the first point of my
2 address of instructions to the divisional commanders
3 was that the reforms in the army, although there
4 was anxiety lest the reform of the army organization
5 would cause public unrest, the point that the army
6 had in mind was that because of the acute situation
7 of the national finance there was no other alternative,
8 that this was the only course that was open.

9 Second point, and therefore I proceeded to
10 my second point saying that in view of such a
11 situation I wanted the divisional commanders to
12 understand that their task was to devote their efforts
13 to the education and training of their officers and
14 men both physically and spiritually.

15 And my third point was that now that the
16 Manchurian question was becoming -- I said that the
17 Manchurian question was now becoming acute and serious.
18 However, as far as the army was concerned, my
19 instructions were that we must abide by the principles
20 and instructions as set forth in the Imperial Rescript
21 that the fighting services must not interfere in
22 politics and that it must carry out the duties
23 assigned to it without regard for -- without being
24 influenced by public opinion or comments.
25

MINAMI

CROSS

1 Q General MINAMI, one moment. I am very
2 reluctant to try to stop you in any way, but may
3 I point out that you do not help yourself or anybody
4 else by making long speeches about matters about
5 which you have not been asked.

6 MR. BROOKS: If the Tribunal please, I
7 wish to object to the prosecution trying to stop
8 the witness. If he wants the truth, the witness
9 can tell his entire story. I would like him to
10 try to explain what he meant and be heard fully.

11 THE PRESIDENT: He is entitled to answer
12 and then explain. First let him answer. He is
13 not doing so.

14 Q General MINAMI, wasn't the real reason why
15 you hoped that more divisions would be sent to
16 Korea was that you wanted to strengthen the Army
17 there in order that it might help the Kwantung Army
18 in Manchuria as it afterwards did?

19 A No.

20 MR. COMYNS CARR: Your Honor, now I will
21 pass from those two speeches. The exhibit numbers of
22 the speeches of the 4th of August are 186 put in by
23 the prosecution and 2393 put in by the defense, two
24 different newspaper reports.
25

MINAMI

CROSS

1 Q Did Baron SHIDEHARA, the Foreign Minister,
2 keep you informed from time to time of the reports
3 that he was receiving from the counsuls in Manchuria
4 and China?

5 A Yes.

6 Q Did he inform you shortly before the 18th
7 of September 1931 that he had received a report to the
8 effect that the Kwantung Army was plotting some kind
9 of big incident?

10 A Yes, at a cabinet meeting he said that some-
11 thing seemed to be going on.

12 Q And did you promise to try to put a stop to
13 it?

14 A I said I will have the matter investigated.
15 Otherwise I couldn't believe it.

16 Q Did you send General TATEKAWA to Mukden
17 for that purpose?

18 A Major General TATEKAWA was a division chief
19 of the Army General Staff Headquarters, and he was sent
20 by the orders of the General Staff.

21 Q At your request?

22 A Inasmuch as the Chief of the Army General
23 Staff was despatching Major General TATEKAWA to Man-
24 churia, I met with General TATEKAWA and talked over
25 the matter with him.

MINAMI

CROSS

1 Q Did you suggest to the Chief of Staff that he
2 was the best man to send?

3 A No.

4 Q Do you know whether General KOISO suggested
5 him?

6 A I do not know.

7 Q Do you know that both General KOISO and General
8 TATEKAWA were supporters of the idea of creating an
9 incident in Manchuria?

10 A I think they were interested in Manchurian
11 problems, but I do not know anything so concrete as
12 that they supported anything of that kind.

13 Q Do you know that General TATEKAWA arrived
14 in Mukden in time to deliver the order, but failed to
15 deliver it?

16 A I received the report from him after he
17 returned to Tokyo --

18 MR. BROOKS: If the Tribunal please, I would
19 like for the prosecution --

20 A (Continuing) that he was unable to communicate
21 the order.

22 MR. BROOKS: If the Tribunal please, I would
23 like for the prosecution to specify what order he is
24 talking about.

25 THE PRESIDENT: We know, if the accused does

MINAMI

CROSS

1 not and if you don't, but you can remind him.

2 Q Was any order sent by the hand of General
3 TATEKAWA?

4 A No.

5 Q Was the letter --

6 THE MONITOR: Just a moment. Hold it.

7 Yes, I asked General TATEKAWA to investigate
8 into the situation in Manchuria in the light of the
9 discussion that we had at the cabinet meeting, of which
10 I informed him, and also in the light of the desire of
11 the War Ministry, as I told him.

12 THE PRESIDENT: We will recess for fifteen
13 minutes.

14 (Whereupon, at 1445, a recess was
15 taken until 1500, after which the proceedings
16 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Carr.

4 MR. BROOKS: If the Court please, the prosecu-
5 tor informed me he referred to an Imperial Order. I
6 request that the order referred to be identified. It
7 isn't an exhibit and I do not want anyone to be misled.
8 The Court may know about the order referred to but I,
9 as defense counsel, cannot identify it.

10 MR. CARR: Your Honor, in my submission it
11 would be time enough for the point to be raised when
12 questions have been asked about it and not before.

13 MR. BROOKS: If your Honor please, questions
14 have been asked about an order. There was also an
15 order of investigation and I thought that that was what
16 he was referring to.

17 THE PRESIDENT: I have a note from a colleague
18 which covers the position as I see it. MINAMI knew
19 what was meant because he said General TATEKAWA told
20 him he hadn't delivered the order.

21 MR. BROOKS: We can still clear up what he
22 was talking about on redirect.

23 THE PRESIDENT: You are entitled to interfere
24 to protect the client in proper cases, or the witness,
25 but this witness does not need your protection because

MINAMI

CROSS

1 he understands what is being said to him.

2 Mr. Carr.

3 BY MR. COMYNS CARR (Continued):

4 Q Did not TATEKAWA take with him an order from
5 you to stop the outbreak of any incident at all costs?

6 A No, that he did not do.

7 Q Was not that an order which you had received
8 from the Emperor?

9 A No, that is not so.

10 Q Did TATEKAWA take with him a letter?

11 A I didn't hand him one.

12 Q Do you say that you had nothing to do with the
13 selection of TATEKAWA as the person to be sent?

14 A That I do say. He was selected by the chief
15 of the army general staff.

16 Q Do you know whether KOISO recommended him as
17 the person to be sent?

18 A I do not know.

19 Q Do you know whether he carried with him any
20 letter from anybody?

21 A I don't. I have never heard.

22 Q Now I want to go back a little in order of
23 date. On the 24th of August, 1931, did you have a
24 discussion with Railway Minister EGI?

25 A Discussion about what?

MINAMI

CROSS

1 Q I should have said the 23rd of August. About
2 sending an expedition to Manchuria and Mongolia.

3 THE MONITOR: Mr. Prosecutor, what do you
4 mean by "expedition"? What do you mean by "expedition"?
5 Is that a military one?

6 MR. COMYNS CARR: Yes, a military expedition,

7 A No.

8 Q Did EGI say to you that it was outrageous
9 to speak of such a thing?

10 A No, I have no recollection of that kind.

11 Q Did he what that it would be unthnable to
12 move the troops without an Imperial order?

13 A I don't recall.

14 Q On the 4th of September or shortly before that
15 date did you have a discussion with Finance Minister
16 INOUE?

17 A I have had -- I have frequently discussed
18 matters with Finance Minister INOUE but I don't remember
19 the dates.

20 Q About the army reorganization plan that you
21 have been talking about?

22 A Yes, I have frequently discussed matters with
23 Finance Minister INOUE including the reform -- the
24 reorganization or reform of the army.

25 Q Had you before the 4th of September agreed

MINAMI

CROSS

1 with him upon that plan?

2 A Generally, yes.

3 Q But on or about that day did you tell him
4 that you had been severely criticized by KOISO for
5 having made that agreement and you must withdraw from
6 it?

7 A No, that is not in my recollection at all.

8 Q Now, did Baron SHIDEHARA show you a telegram,
9 which is exhibit 181, which he had received from
10 Consul-General HAYASHI at Mukden?

11 A I did not see the telegram itself but I do
12 recall Baron SHIDEHARA telling me that the army move-
13 ments around Mukden were not just right. And so when
14 TATEKAWA was to be dispatched to Manchuria I told him
15 that SHIDEHARA had said such and such a thing and,
16 therefore, I instructed him to see Consul HAYASHI and
17 investigate into the matter.
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MINAMI

CROSS

1 Q That was a report before the 18th of
2 September. I am now asking you about one the morning
3 afterwards.

4 MR. BROOKS: If your Honor please, may the
5 witness be shown the exhibit 181 where there could
6 be no chance of mistakes as to who the telegram is
7 referring to.

8 THE PRESIDENT: I understood him to say he
9 didn't see any telegram. Baron SHIDEHARA mentioned
10 the matter to him.

11 Q Did Baron SHIDEHARA tell you that according
12 to HAYASHI the Kwantung Army was planning to start
13 positive operations simultaneously throughout the
14 various places along the Manchurian Railway zone?

15 A I think that requires an explanation. Now,
16 my explanation is this: That when we met at the
17 Cabinet meeting we were discussing matters in a
18 more or less informal round-table fashion, and Baron
19 SHIDEHARA said that he had received a report from
20 Consul General HAYASHI in Mukden saying that such
21 and such a thing seemed to be going on, and then
22 SHIDEHARA asked "Now, what do you think about it," and
23 I said that I had received no report to any such effect.
24 That was all. It just was an informal discussion
25 generally, and SHIDEHARA did not show me any telegram

MINAMI

CROSS

1 saying "Did you see this" or "Did you see that," and
2 "What do you think of it?"

3 Q I am not asking you what he showed you in
4 a telegram. I am asking whether he told you that
5 HAYASHI had reported as I read.

6 A No.

7 Q Did he tell you that he had received a
8 report from HAYASHI on the same day, in the morning,
9 that HAYASHI had come to the conclusion, considering
10 all the facts, that the recent Incident was wholly
11 an action planned by the army?

12 A SHIDEHARA did not say that.

13 Q HAYASHI had reported that TATEKAWA had
14 arrived in Mukden by the one o'clock train, one
15 o'clock midday on the 18th of September. Did he
16 tell you that?

17 A No.

18 Q Did he tell you that the army authorities
19 were keeping TATEKAWA's arrival secret?

20 A No, he did not.

21 Q If they were, can you suggest any legitimate
22 reason why they should?

23 A I don't think there is any.

24 Q Did he tell you that according to the
25 Director of the South Manchurian Railway the Kwantung

MINAMI

CROSS

1 army had prevented their workmen from going near
2 the spot where the track was alleged to have been
3 damaged to repair it?

4 A I don't remember anything of the kind.

5 Q Did you ever personally make any investigation
6 to find out who had blown up that railway, if any-
7 body?

8 A I did not personally go to Manchuria, but
9 I sent the Chief of the Military Service Section
10 of the War Ministry to make the investigation and
11 sent him to Manchuria for that purpose.

12 Q Who was that?

13 A ANDO, Rikichi.

14 Q Where is he?

15 A He is probably dead now. He was until
16 recently Commander in Taiwan, that is, Formosa.

17 Q Is this statement of Baron WAKATSUKI in
18 exhibit 162 correct? This is prosecution document
19 No. 11528, the last paragraph on the first page of
20 the English text; the fifth paragraph of the whole
21 thing:

22 "At this time it was the unanimous sense of
23 the Cabinet that these operations in Manchuria must
24 cease immediately and the aforesaid War Minister
25 General MINAMI agreed to put this Cabinet policy into

MINAMI

CROSS

1 effect with the Army at once. However, day after
2 day expansion continued and I, the Prime Minister,
3 had various conferences with the aforesaid War Minister,
4 General MINAMI. I was shown maps daily on which the
5 aforesaid General MINAMI would show by a line a
6 boundary which the Army in Manchuria would not go
7 beyond and almost daily this boundary line was
8 ignored and further expansion was reported but
9 always with assurances that this was the final move. "

10 Is that right?

11 A Yes, that is true.
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1 Q Now, when you were interrogated, exhibit
2 2207, prosecution document 1869, did you say this,
3 the bottom of page 1 of the English exhibit:

4 "Q You had given General HONJO blanket
5 authority to take any action he saw fit in
6 Manchuria just prior to the Mukden Incident?

7 "A No. The Commander-in-Chief of the
8 Kwantung Army has this privilege and has had it
9 for over twenty-five years.

10 "Q Then he could take any warlike steps he
11 wanted over there under the prerogative of su-
12 preme command?

13 "A Within the jurisdiction of his own area
14 he can do practically anything he wishes."
15 Did you say that?

16 A Yes.

17 Q Was it true?

18 A Yes.

19 Q Then, if he could do what he liked, what was
20 the good of your promising the cabinet to stop him?

21 A That is different. There should be in that
22 interrogatory -- in my reply in that interrogatory,
23 that "within the scope of his official authority."
24 If you see that, you will understand quite well his
25 authority cannot extend beyond that. He can't do

MINAMI

CROSS

1 anything beyond that.

2 Q Then you could have stopped him if you
3 wanted to?

4 A Yes.

5 Q Why didn't you?

6 A Because I couldn't. The military situation
7 did not permit.

8 Q Then, did you not stop him because you
9 approved of what he was doing?

10 A No.

11 Q What do you mean by "no," that you did not
12 approve or that you did not stop him because you did
13 approve?

14 A The commanding general of the Kwantung Army
15 acted in accordance with the orders of the Central
16 Army authorities in so far as it was possible. How-
17 ever, because the enemy was so large in number and
18 because they frequently made surprise attacks on us,
19 a situation was created wherein there was no other --
20 there could be nothing else but expansion -- or ex-
21 tension of the hostilities.

22 Q Then the answer is that you did approve of
23 what he did, is it?
24

25 A We recognized the fact that it was done un-
avoidably in view of the situation in the army -- in

MINAMI

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1 anything beyond that.

2 Q Then you could have stopped him if you
3 wanted to?

4 A Yes.

5 Q Why didn't you?

6 A Because I couldn't. The military situation
7 did not permit.

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16 Army authorities in so far as it was possible. How-
17 ever, because the enemy was so large in number and
18 because they frequently made surprise attacks on us,
19 a situation was created wherein there was no other --
20 there could be nothing else but expansion -- or ex-
21 tension of the hostilities.

22 Q Then the answer is that you did approve of
23 what he did, is it?
24

25 A We recognized the fact that it was done un-
avoidably in view of the situation in the army -- in

1 the enemy camp.

2 Q Then, when you told the cabinet that you
3 were going to stop him, were you insincere?

4 A Yes, I spoke with sincerity.

5 (Whereupon, a reinterpretation of
6 the question was made.)

7 A (Continuing) No, not that at all. I
8 exerted my utmost.

9 Q To do what?

10 A In order, as much as possible, to have the
11 Kwantung Army Commanding General follow the policy
12 of non-expansion and non-aggravation. To state
13 this more concretely, the Kwantung Army was ordered
14 to protect the lines of the South Manchuria Railway
15 and other important positions along that line. But
16 it was not to go north beyond Kirin, Changchun, or
17 Chengchiatun, not to go west of the Liao-ho.

18 Q Is that all?

19 A That is all.

20 Q Now, do you say that, for instance, the
21 occupation of Chinchow was necessary because of
22 attacks made upon your forces by the Chinese?

23 A The attack on Chinchow was never carried out
24 in my time.

25 Q I am now going to read you the report of

1 what you told the Privy Council on the 9th of De-
2 cember, 1931, four days before you resigned; ex-
3 hibit 2205A.

4 MR. BROOKS: If the Court please, the prose-
5 cution has referred to a document on the 9th of
6 December, four days before he resigned. As I under-
7 stand, it was the prosecution's own exhibit, and it
8 shows MINAMI resigned the 10th of December.

9 MR. COMYNS CARR: No, the 13th.

10 MR. BROOKS: The 10th.

11 MR. COMYNS CARR: The 13th.

12 Q (Continuing) I am reading the first para-
13 graph after the names:

14 "(WAR MINISTER MINAMI): I shall now report
15 on conditions in the Chinchow district. In the con-
16 centration of an army, it is a principle in military
17 tactics to send one unit ahead. Now, as you know,
18 our forces were distributed over Tsitsihar, Ssuping-
19 kai, and other places. So, in order to concentrate
20 them, one unit was sent to the Chinchow district.
21 Accordingly, an order was issued commanding all units
22 in the said area to receive instructions from the
23 commander of the above force in all their operations
24 and following this an order was issued at 12:40 P.M.
25 on the 27th November that the unit should return to

MINAMI

CROSS

1 a position east of Hsin-Min-Tun. Incidentally, inform-
2 ation to the effect that, if Japan so demanded, the
3 Chinese would evacuate Chinchow, came into our hands.
4 Thus there was no necessity for any strong offensive
5 action. Perhaps this might have led to the report
6 which appeared in the newspapers, etc., to the ef-
7 fect that the Chief of Staff, the Minister of War,
8 and the Minister of Foreign Affairs had come to an
9 agreement that the attack on Chinchow should not be
10 carried out."

11 So you knew every detail of the plans for
12 the attack on Chinchow before it happened, didn't
13 you?

14 A No, not so. Having heard that a part of
15 the Kwantung Army had gone near Chinchow, I said
16 that this was intolerable, and this unit must be
17 withdrawn.

18 Q Was it true, as you told the Privy Council,
19 that the Chinese would evacuate Chinchow and let
20 you occupy it, and, therefore, there was no need
21 for strong military action?

22 A Yes, when I heard from Foreign Minister
23 SHIDEHARA they were at such a stage as a result of
24 negotiations between the Japanese Government and the
25 Central Government of China. But, when I made my

MINAMI

CROSS

1 report to the Privy Council, the two governments were
2 only in the midst of the negotiations.

3 Q And you are telling the Privy Council,
4 aren't you, that the newspaper reports that there
5 would be no attack on Chinchow were untrue?

6 A I have absolutely no recollection of having
7 said anything of that kind because I am the author
8 of the proposal that we must not attack Chinchow;
9 and upon that idea I requested the Chief of the
10 Army General Staff to withdraw advance near Chinchow.

11 Q But only because you knew that the Chinese
12 were prepared to surrender it without fighting.

13 A The primary reason was that our foreign
14 minister, through negotiations with the foreign
15 minister of the Central Government of China, desired
16 to seek a peaceful solution to the question and to
17 withdraw the army under peaceful conditions.

18 Q What right had you to occupy Chinchow at
19 all?

20 A As I have said before, my policy was not to
21 occupy Chinchow whatsoever, and, therefore, the in-
22 struction was sent out that the army should not ad-
23 vance west of the Liao-ho River, as I answered be-
24 fore. Therefore, that question seems quite strange
25 to me.

1 Q Now, let's see how Councillor EGI under-
2 stood what you had been telling the Privy Council.
3 Immediately following what I have read, this is
4 what he said:

5 "Although I think it is reasonable that
6 attack should be made under some pretext on Chinchow
7 where Chang Hsueh-liang has his headquarters, but
8 great will be our loss of credit with the League of
9 Nations and the great powers. Though it might be
10 very convenient for Japan to have Manchoukuo an in-
11 dependent state, I do not believe the great powers
12 would accept it. It might be well for Manchurian
13 people to work for their independence on their own
14 accord, but are we not losing general confidence as
15 a result of continually taking action under the pre-
16 text of self-defense?"

17 A Yes, I think that is as a matter of course.

18 Q I don't quite follow what you mean. Do
19 you agree that the self-defense was merely a pretext,
20 as Councillor EGI said?

21 THE MONITOR: The witness said "yes," and
22 he followed up, "I didn't mean that. I said that
23 the question of Privy Councillor EGI was most
24 natural.

25 Q Well, now, would you mind answering the

MINAMI

CROSS

1 question, then: Do you agree with Councillor FGI
2 that, when you spoke about self-defense, it was only
3 a pretext?

4 A No, I don't.

5 Q Then why didn't you tell him he was quite
6 wrong?

7 A I may have said so, but I don't know what
8 kind of remarks were exchanged then.

9 Q Well, the minutes show that what you said
10 was this: "We do not wish to give the impression to
11 foreign countries that we have attacked Manchuria and
12 Mongolia." What did you mean by that?

13 A Exactly as I said.

14 Q That's why you used the pretext of self-
15 defense, wasn't it?

16 A No, not at all.

17 Q Well, then, how else could you avoid giving
18 the impression to foreign countries that you would
19 attack Manchuria and Mongolia?

20 A Well, now, I have never at any time attempted
21 or engaged in artifice of any kind to try to fool
22 anybody. But my personal conviction and that of
23 my cabinet fellows was to see Manchuria become a
24 stabilized area. That was all.

25 Q And the next councillor who asked a question

MINAMI

CROSS

1 was Councillor SAKURAI. He says: "After our planes
2 bombed Chinchow, our country quickly lost the con-
3 fidence of the League of Nations which is certainly
4 a matter of regret. Must we all regard this loss
5 as inevitable?"

6 Do you remember what you answered to that
7 one?

8 A I do not.

9 Q Let me read it to you. You said: "I, too,
10 consider it regrettable. However, apparently,
11 Europeans and Americans are mistaken in thinking
12 that we made use of large bombs such as used in the
13 European War. Moreover, the contrast between this
14 incident and the frequent government announcements
15 that the affair would be extended has caused a strong
16 reaction amongst them."

17 THE PRESIDENT: It is now four o'clock.
18 Do you wish to complete this part?

19 MR. COMYNS CARR: Just one question on that,
20 your Honor.

21 Q (Continuing) There was, was there not, a
22 very strong contrast between your statements and
23 your actions throughout this matter?

24 A I do not think there is any contrast.

25 THE PRESIDENT: We will adjourn until half-

1 past nine on Monday morning.

2 (Whereupon, at 1600, an adjourn-
3 ment was taken until Monday, 14 April,
4 1947 at 0930.)
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